



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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LMAC MEETING MINUTES

January 13, 2022

9:00 – 11:30 am

NHDES Room 112

29 Hazen Drive, Concord, NH

Members Present

David Packard, Chair
Garret Graaskamp, V. Chair
Shane Bradt (*by phone*)
Ryan Cardella
Capt. Tim Dunleavy
Eric Feldbaum
Tiffany Grade
Jennifer Gilbert
Mark Hemmerlein
Sara Holland
Janet Kidder
Frank Lemay
Jared Maraio
Lisa Morin (*by phone*)
Dick Smith
Meredith Smith

Representing

New Hampshire Lakes Association
Executive Director, F&G
Scientific Community, UNH
Marine Dealers Association
Commissioner, DOS
Commissioner, DNCR
Conservation Community
Director, Office of Strategic Initiatives
Commissioner, DOT
NH Association of Realtors
Planning Boards
NH Business and Industry Association
NH Travel Council
State Conservation Commission
Fishing Interests
Municipal Officials

Term

August 1, 2024 V
Indefinite NV
August 22, 2019 V
August 22, 2023 V
Indefinite NV
Indefinite NV
September 19, 2022 V
Indefinite NV
Indefinite NV
June 27, 2023 V
August 1, 2023 V
July 8, 2022 V
August 1, 2022 V
August 1, 2021 V
November 17, 2019 V
August 1, 2024 V

Members Absent

Shawn Jasper	Dept. of Agriculture, Markets & Food	Indefinite	NV
Bruce Temple	Fish & Game Commission	August 22, 2021	V
Vacant	NH Assn. of Conservation Commissions	August 22, 2022	V

NHDES Staff Present

Kent Finemore	Dam Bureau
Nisa Marks	Rivers and Lakes Management and Protection Programs
Dan Mattaini	Dam Bureau
Tracie Sales	Rivers and Lakes Management and Protection Programs

Guests Present

none

I. Welcome, Introductions and Brief Announcements

Chair David Packard called the meeting to order at 9:04 am. Chair Packard conducted a roll call of LMAC members, invited any guests to introduce themselves, and welcomed all present.

1) New Members:

- i. Meredith Smith is a selectman in Enfield.
- ii. Sara Holland is the New Hampshire Association of Realtors' vice chair for policy.

2) Nisa Marks gave an update on membership status. Reappointment materials are needed from Shane and Bruce. There is no word yet on Lisa and Dick's renewals, or on filling the Conservation Commissions seat.

3) 2022 Financial disclosures from all members are due January 21, 2022 and can be submitted to nisa.m.marks@des.nh.gov or suzanne.e.beauchesne@des.nh.gov.

4) David announced that staff will be sending a poll to members to solicit topics of interest for future meetings. He also invited members to send information on any legislation of interest to members' organizations.

II. Lake Level Investigations:

Kent Finemore, Assistant Chief Engineer of Dam Bureau, gave a presentation on lake level investigations (LLIs). There is one LLIs currently ongoing, and approximately thirty have been completed so far. Most LLIs are for state-owned dams. LLIs are most commonly requested because of landowner or public concerns about winter draw down practices.

LLIs are authorized by RSA 482:79-83 and can be conducted for public water bodies. No funding is provided in the legislation. The Water Division at NHDES is responsible for conducting LLIs; currently, they are managed by the Dam Bureau. Per Env-Wr 700, a LLI can be initiated by NHDES, a petition from 10 shorefront property owners, or at the request of the attorney general. LLIs include public hearings and collaboration across agencies and departments. They are highly variable in complexity and duration. NHDES can make one of three findings: 1) that there are no serious or adverse public impacts from present management, which results in no change to lake management practices; 2) management changes would be of public or private benefit and create no undue injury to the owner of the outlet, in which case NHDES orders that the changes be made; or 3) that changes would cause public or private benefit but also create injury to the outlet owner, in which case NHDES reports its findings to Governor and Council. There is a provision for appealing NHDES determinations to the Water Council.

David asked how many LLIs are in progress. Currently, Newfound Lake and Bristol Lake have investigations ongoing. Kent described that The public has expressed interest in continued use of the lake for recreation and desire to maintain outflows sufficient to sustain fishing in a downstream stretch of river. There are also a couple of downstream hydropower operations. Drought conditions have complicated the LLI. The state previously changed the way water levels were managed at Newfound in response to a LLI in the 1980s. The operations curve has been changed again for studies under the current LLI.

III. Acceptance of November 30, 2021 Draft LMAC Meeting Minutes:

A motion was made by Dick Smith and seconded by Sara Holland to accept the November 30, 2021 Draft LMAC Meeting Minutes passed by unanimous voice vote.

IV. Notice of Surplus Land Disposals Not Near Any Lake: None.

V. Subcommittee Membership

- 1) **Policy and Legislation Subcommittee:** David asked for additional members to join the subcommittee. Jared Maraio and Tim Dunleavy volunteered.

- 2) **State Land Mapping Joint RMAC-LMAC Subcommittee:** This subcommittee was initiated in order to make the process of state lands disposal reviews easier, and has as its goal to map the state-owned lands adjacent to waterbodies. Shane provided a summary of the first meeting, held January 3, 2022, which focused on understanding what data are available to support the project. Joe Schmidl (NHDES) has already been working on a statewide map of state-owned land based on non-public tax map data, which is pending approval to share publicly, and data on public conservation lands. Neither layer includes highway rights-of-way (ROW) or easements. DOT does not have ROW data. David mentioned the challenge that most of the disposals considered by the LMAC are DOT lands.

The subcommittee is also working on developing a list of the characteristics that would be relevant criteria for assisting with surplus land review, such as a parcel's distance to waterbodies. Several subcommittee members are working together to create a mock-up for discussion. Mark described the seven draft criteria developed by the subcommittee, each of which would be rated in order to aid in assessment (e.g. good/fair/poor; adjacent/near/far).

Garret asked whether the subcommittee would potentially propose legislation to assist in their objectives. David said that was not currently part of the vision. Tracie described that in addition to assisting with surplus land reviews, the map will help LACs fulfill their statutory requirement to include descriptions of land ownership in their management plans.

- #### **VI. LMAC Forum Changes:** Tracie Sales described that the Department of Information Technology (DoIT) has informed NHDES that the LMAC Forum will be taken down due to security concerns. The functions of the forum will be incorporated into a new page on the NHDES website.¹ Staff does not yet know what the new pages will look like. Changes are unlikely to occur before the end of legislative session. There is a meeting scheduled Feb. 8th that will include LMAC and RMAC chairs and staff to start planning the forum's transition. Tracie asked how members use LMAC forum so as to maintain desired functionalities.

Several members mentioned using the legislation tracking sheet. Others said they have not done much exploration of the site beyond minutes and the legislation tracking sheet. Ryan, Sara, and Meredith expressed finding the site to have an overwhelming amount of information, such that it was hard to distinguish the most relevant information. They suggested having a section specifically for new members. A couple members mentioned using the forum to find historical materials to see how overall lake challenges have changed

¹ Since the meeting, staff have learned that the forum replacement will be a new website, not simply a page on NHDES's website.

with time, and consensus that organizing materials by date is helpful. There was discussion of how the forum compares with materials from other organizations. No member expressed interest in joining planning meetings for the forum transition.

- VII. Contaminants Analysis of Loon Eggs:** Tiffany Grade presented study results from the Loon Preservation Committee's (LPC) contaminants analysis of inviable loon eggs from Squam Lake and across the state. Loons are good indicators for contaminants because they are long lived and at the top of aquatic food chains. For results about specific chemicals and specific locations, see LPC's [egg contaminants report](#). LPC tested inviable eggs for several PFAS compounds, BDEs (flame retardants), DDT, PCBs, dioxins/furans, and dioxin-like PCBs. Contaminants were ubiquitous; every egg had some level of every contaminant. Cumulative effects of co-occurring contaminants are not well understood. There were hotspots for each chemical where concentrations were above the lowest observed effects levels documented in other species.

At present, LPC is the only organization in the state testing higher trophic level species for contaminants. They have tested 12% of lakes occupied by loons in New Hampshire, and at very small sample sizes for most of those waterbodies. LPC is advocating for more testing of fish and other wildlife high on aquatic food chains, and is collaborating with NHDES to hopefully develop a larger-scale PFAS testing project.

Mark asked about site fidelity, which is high. Tiffany said that nutrients in the eggs generally reflect parents' diet of the previous three to four weeks, meaning that contaminant levels reflect conditions at or near the nest. Janet asked about the cost of testing, which is about \$3500 per egg. At present LPC is not doing blood and liver tests, because eggs represent a closed system and because of funding constraints. LPC does have samples from any adult loon that is found dead. Tiffany said that LPC's next step is to correlate contaminant levels and productivity levels.

VIII. Lake-related Legislation:

For each 2022 bill on the tracking spreadsheet, Nisa gave a summary and David invited discussion. The LMAC combined the list of proposed positions into a single consent agenda vote.

The LMAC voted to track: HB1014, HB1042, HB1073, HB1195, HB1217, HB1220, HB1227, HB1418, HB1451, HB1532, SB322, SB342, SB344, SB359, and SB378.

The LMAC voted to support: HB1066, HB1071, HB1293, HB1316, and HB1528.

The LMAC voted to oppose: HB1167, HB1424, and HB1440.

The LMAC voted to remove as not relevant: HB1620 and SB257.

David Packard made a motion to accept the votes taken on all bills and adopt them as the LMAC's positions. Sara Holland seconded the motion, which passed unanimously.

Tim raised HB1641, which would change the fee structure for boat registrations. There is some discussion of amending the bill to create a study committee, to take a more comprehensive look at boat registration issues such as reconciling state law with federal code or conducting online registration. Staff will track the bill.

IX. LMPP Updates: Tracie said that the Cold River Protected Instream Flow (PISF) criteria will be released soon. Additional updates were deferred.

X. New Business and Action Item Review

1) **New Business** – none

2) **Action Item Review:**

- i. Submit 2022 financial disclosures – Everyone ****Due January 21***
- ii. Respond to upcoming poll on future agenda items – Everyone
- iii. Inform staff and David of other potentially relevant legislation – Everyone
- iv. Inform staff if there are functions you wish to see preserved in the LMAC Forum transition – Everyone
- v. Draft Letters of Testimony – Staff and David

Chair Packard adjourned the meeting at 12:33 pm.